



Massachusetts
Department
of
ENVIRONMENTAL
PROTECTION

POLICY FOR CONTRACTORS WITH HAZARDOUS WASTE

Policy BWP-89-02

Issued by William F. Cass, Director, Division of Hazardous Waste 7/17/1989.

Reference to 310 CMR 30.010 replaced with 310 CMR 30.104 (2)(g) May 2001.

Background Information

Massachusetts Hazardous Waste Regulations (310 CMR 30.000) allow Very Small Quantity Generators (VSQG's) the option to self-transport their hazardous waste to a facility or another generator who will accept their waste. Contractors with multiple service sites may take advantage of this option under certain conditions. If the conditions are met, the contractor may self-transport the waste generated at multiple sites to one central location, at which point it will be transported via a licensed hazardous waste transporter for disposal.

Policy

I. Contractor with multiple service sites which are serviced on a regular basis

If a site qualifies as a "household" under 310 CMR 30.104 (2)(g), waste is not regulated until it is collected or accumulated at another generator site. If this is the central location of the contractor's operations, that site will be regulated as a generator (large, small or very small, based on monthly quantity collected).

If service is performed at a commercial site, and the site generates other hazardous waste, the contractor should leave the hazardous waste with the customer.

If service is performed at a commercial site and no other hazardous waste is generated, and the waste produced by the contractor is not greater than 25 gallons in a month's time, the contractor may transport the waste to his or her central location, provided he/she registers* as a Very Small Quantity Generator with the Department and complies with the rules for self transport.

If the hazardous waste generated by the contractor is greater than 25 gallons a month, it must be transported off-site by a licensed transporter. The owner or contractor must have an Identification Number for that site.

II. Contractor with short term job site, typically related to construction

If "waste" can be used on another job site, it is not a regulated waste.

If hazardous waste is also generated on the site by the owner/operator, the hazardous waste generated by the contractor must be left on-site and shipped by a licensed transporter.

* Contractor should enter "multiple sites" on line – Address where waste is produced.

Note: Contractor may have dual status - VSQG for the service sites and SQG or LQG for his/her central location.

If the contractor and any sub-contractors at this site generate less than 25 gallons in a month, the contractor may transport the waste off-site to his or her central location where he/she will be regulated as a generator.

If the contractor and any sub-contractors at this site generate more than 25 gallons in a month, the hazardous waste must be shipped off site with a licensed transporter. In this case, if the job lasts more than one month and no longer than 12 months, a *temporary* ID will be assigned by the Department.

III. Establishing responsibility for the hazardous waste generated or released

Massachusetts Hazardous Waste regulations define “generator” as: “Any person, by site, whose act or process produces hazardous waste, or whose act first causes a hazardous waste to become subject to regulation.”

Under Massachusetts Superfund regulations both the legal owner of the site and the contractor who creates the spill or emission are responsible for remedial action.

Contractor’s Guidance

It is the responsibility of the contractor to identify the hazardous waste which will be generated by his or her work and to alert his/her customer (owner or operator of the site). The contract should specify:

- The nature of the waste and its hazards
- The designated “generator”
- The method of disposal (use of licensed transporter, manifest and final treatment or receiving facility)
- Management at the job site and method of transportation off-site

Implementation

This policy is effective immediately. VSQG registration forms can be obtained by calling DEP InfoLine at 1-800-462-0444 or (617) 338-2255.

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